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8 UNITED STATES BANKRUPTCY COURT
9 DISTRICT OF OREGON

10 In re

11 Van's Aircraft, Inc.,

12 Debtor.
13

Case No. 23-62260-dwh11

**DEBTOR'S RESPONSE TO PACIFIC
METAL COMPANY'S MOTION FOR
ALLOWANCE OF ADMINISTRATIVE
CLAIM UNDER 503(b)(9)**

14 Vans Aircraft, Inc. ("Debtor") does not object to the allowance of an 11 USC § 503(b)(9)
15 administrative expense claim for Pacific Metal Company in the amount of \$91,012.46. The
16 remaining amount requested in the sum of \$27,772.56 was for product received on the petition
17 date and has been paid. Debtor objects to payment of the 503(b)(9) amount of \$91,012.46 prior
18 to the Effective Date of a plan of reorganization.

19 The general rule is that administrative expense claims are not payable until the Effective
20 Date of a confirmed plan of reorganization. 11 USC §§ 1129(a)(9) and 1191(a). There is
21 nothing in the Bankruptcy Code that requires payment of 503(b)(9) claims prior to that date.
22 Payment to holders of prepetition 503(b)(9) claims ahead of other administrative expense claims,
23 including those incurred postpetition which have and continue to contribute to the ongoing
24 successful reorganization of the case, would not be appropriate nor aid the reorganization
25 process. There is no reason the 503(b)(9) claim of Pacific Metal Company should be paid early
26 in this case.

1 Wherefore, Debtor proposes that an order be entered allowing the 503(b)(9) claim of
2 Pacific Metal Company in the amount of \$91,012.46 with payment to be made on the Effective
3 Date of the plan of reorganization.

4 DATED: February 13, 2024.

5 TONKON TORP LLP

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7 By /s/ Timothy J. Conway
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